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Hon. Sandra J. Feuerstein
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

VIA FACSIMILE: 631-712-5636

Order

The application is:

☒ granted
☐ denied
☐ referred to Magistrate Judge _____ for
decision
☐ report and recommendation

Re: *Markel American Insurance Co. v. Angelo Grimaldi, et al.*
Docket No: 10-CV-5447

REQUEST FOR ADJOURNMENT OF INITIAL CONFERENCE

Dear Judge Feuerstein:

We represent Plaintiff in the above-referenced action. We write to request an adjournment of the Initial Conference Scheduled for **March 31, 2011 at 11:30 am to May 12, 2011 at 11:30 a.m.** We write with the consent of counsel for all parties who have appeared and/or are known to be represented by counsel for this matter.

This civil action arises out of the alleged taking of a vessel from Plaintiff's insured. A state court Grand Jury re-issued indictments against the defendants in this matter, with the exception of defendant Perry, last week. The Suffolk County District Attorney is bringing a criminal action prosecuting these defendants for this and other vessel thefts.

Plaintiff has brought this action to protect the interests of Plaintiff Markel American Insurance Company ("Markel"). Should all or some of defendants be convicted, restitution has been requested. If Plaintiff receives restitution, more likely than not, this action will be discontinued by Plaintiff. Plaintiff filed this action before the conclusion, indeed even the commencement, of the criminal case because of statute of limitations concerns.

Pending before the Court are three Fed. R. Civ. Pro 12(b)(1) and (6) Motions to Dismiss by defendants Buck, Steieglitz and Grimaldi. Under the amended briefing schedule, Plaintiff's Opposition Papers will be due April 15, 2011 and Buck's Reply Papers will be due May 6, 2011.

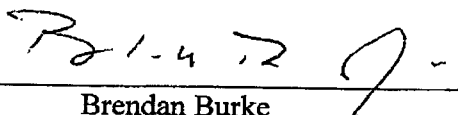
Further, the undersigned has been the primary counsel at his firm who has been handling the day to day progress of this case. On March 14, 2011, Judge Young of the District of Massachusetts, sitting by designation in the Southern District of New York, ordered trial to begin

in another case the undersigned is handling the morning of March 31, 2011 and continuing through April 1, 2011.

Because of these pending motions, the complications caused by having a pending criminal action, and the upcoming trial, Plaintiff respectfully requests, with consent as indicated below, that the Initial Conference be adjourned to May 12, 2011 at 11:30, at which time the Rule 12 motion will be fully submitted and the parties will have a better understanding of the timetable for prosecution of the criminal action.

Respectfully,

RUBIN FIORELLA & FRIEDMAN LLP

By: 
Brendan Burke

cc:

VIA ECF & FACSIMILE

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(Consented to Adjournment to 5/12)

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